

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHACORY ANTONIO ANDUJAR,

Plaintiff,

v.

BAKERS PIZZA HK LLC, et al.,

Defendants.

No. 18-CV-11400 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

The Court issued its March 7, 2022 order of discontinuance in error. District courts must scrutinize FLSA settlements to determine if they are fair and reasonable. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 201, 206 (2d Cir. 2015). No later than May 20, 2022, the parties shall submit a joint letter setting forth their views as to why their settlement is fair and reasonable and should be approved, accompanied by all necessary supporting materials, including contemporaneous billing records for the attorney’s fees and costs provided for in the settlement agreement. In light of the presumption of public access attaching to “judicial documents,” *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006), the parties are advised that materials on which the Court relies in making its fairness determination will be placed on the public docket, *see Wolinsky v. Scholastic Inc.*, No. 11-CV-5917 (JMF), 2012 WL 2700381, at *3–7 (S.D.N.Y. July 5, 2012). The parties are advised, however, that the Court will not approve of settlement agreements in which:

- (a) Plaintiffs “waive practically any possible claim against the defendants, including unknown claims and claims that have no relationship whatsoever to wage-and-hour issues,” *Gurung v. White Way Threading LLC*, 226 F. Supp. 3d 226, 228 (S.D.N.Y. 2016) (internal quotation marks omitted); and
- (b) Plaintiffs are “bar[red] from making any negative statement about the defendants,” unless the settlement agreement “include[s] a carve-out for truthful statements about [P]laintiffs’

experience litigating their case,” *Lazaro-Garcia v. Sengupta Food Servs.*, No. 15 Civ. 4259 (RA), 2015 WL 9162701, at *3 (S.D.N.Y. Dec. 15, 2015) (internal quotation marks omitted).

SO ORDERED.

Dated: May 4, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

Ronnie Abrams
United States District Judge